

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7587

Petition of Vermont Electric Power Company,)
Inc., and Vermont Transco, LLC, for authority)
to condemn easement rights in property interests)
of Frank J. Mercede, Trustee, and Capital)
Financing Company, located in Newfane,)
Vermont, for the purpose of constructing the so-)
called Southern Loop Transmission Upgrade)
Project)

and

Docket No. 7588

Petition of Vermont Electric Power Company,)
Inc., and Vermont Transco, LLC, for authority)
to condemn easement rights in property interests)
of NJM Realty, LLC, located in Newfane,)
Vermont, for the purpose of constructing the so-)
called Southern Loop Transmission Upgrade)
Project)

Order entered: June 18, 2010

ORDER CLOSING DOCKETS

I. REPORT

On October 26, 2009, Vermont Electric Power Company, Inc., and Vermont Transco LLC (collectively, "VELCO") filed two petitions to condemn easement rights across land belonging to Frank J. Mercede, Trustee, Capital Financing Company, and NJM Realty, LLC, located in Newfane, Vermont. A prehearing conference was held on February 2, 2010. By letter

filed on April 23, 2010, VELCO advised the Public Service Board ("Board") that these matters have been resolved, and that VELCO would be filing for dismissal of the proceedings.

On June 1, 2010, VELCO filed a motion for dismissal without prejudice, pursuant to V.R.C.P. 41(a)(2). No objection to this motion for dismissal has been filed by any party in these dockets. In addition, it appears that the only prejudice arising from dismissal of these petitions would be to the party seeking condemnation of the subject properties (namely, VELCO) and that party is now requesting the dismissal. Therefore, I conclude that the petitions for condemnation may be dismissed and these dockets closed.

This decision is not adverse to the interest of any party; it therefore need not be circulated to the parties pursuant to 3 V.S.A. § 811. This report is made to the Public Service Board pursuant to 30 V.S.A. § 8.

Dated at Montpelier, Vermont, this 15th day of June, 2010.

s/ Kurt Janson

Kurt Janson
Hearing Officer

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The Report of the Hearing Officer is accepted.
2. The motion to dismiss without prejudice is granted.
3. These dockets shall be closed.

Dated at Montpelier, Vermont, this 18th day of June, 2010.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: June 18, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.